

REMARKS

After entry of this Amendment, claims 1-20 are pending.

In the Office Action dated April 17, 2002, claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Schoen, U.S.P.N. 4,071,794. Claim 1 has been amended and new claims 8-20 are added. These claims are believed to clearly distinguish Applicant's invention over the prior art; accordingly, allowance of claims 1-20 is respectfully sought. With respect to claims 5-7, Applicant requests reconsideration of the rejection under 102(b) in light of the following argument.

Claim 1 has been revised to more particularly point out and distinctly claim the inventive features of the present apparatus; namely, that the assembly uses the operational parts of the motor (e.g. the magnets) to align other operational parts of the motor (e.g. the brushes), thereby eliminating the need to position the magnets precisely within the motor housing with respect to flanges or other structures formed on the housing, preventing the brush position from being independent of the magnet position and improving the alignment of the brushes to the magnets and to the commutator. To this end, the claims have been amended to clarify that the tabs directly engage the opposing ends of the magnets to align the brush holder (and hence the brushes) to the magnet.

It is respectfully submitted that Schoen does not teach or suggest these inventive features since Schoen teaches that the magnets 18 and 20 must be intertwined with a plurality of resilient arms 16 formed on a magnet retention member 14 as well as with fingers 32 that axially project from the end cover 24. Thus, fingers 32 of the brush holder do not directly engage the ends of the magnet; therefore, the magnets 18 and 20 of Schoen cannot be independently positioned in the housing. Schoen further teaches that the magnets 18 and 20 are positioned on shoulders 34 of fingers 32. Moreover, Schoen does not teach that the magnets are attached to an inner surface of the housing as claimed in independent claim 5; hence, Schoen cannot anticipate claim 5 or claims 6-7 that depend therefrom. For this reason, claims 5-7 as originally filed are resubmitted for the Examiner's further consideration.

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Through this amendment, claims 8-20 have been added. Claim 8 is an independent claim directed to a method of assembling the motor housing of the present invention and describes in detail how alignment of the brushes and magnet is achieved by the present invention. Claims 9-15 are linking claims that depend either directly or indirectly from claim 8. Claims 8-15 are neither anticipated nor rendered obvious by Schoen and should be allowed for the reasons outlined above. The Examiner's consideration of these new claims pursuant to M.P.E.P. §809 and §809.03 is requested.

Claims 16-19 have likewise been added through this amendment. Claim 16 is an independent claim that particularly points out and distinctly claims the inventive feature that the brush holder tab is of uniform width unlike that taught by Schoen. Claims 17-19 depend from claim 16 and are likewise patentable over Schoen. Claim 20 is another independent method claim directed to the alignment of the brushes to the motor wherein the magnets are attached to the inner surface of the housing.

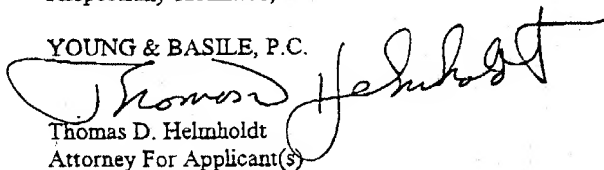
It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

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If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A motor housing assembly[,] comprising:

a motor housing;

[a] at least one pair of magnets having opposing ends disposed within the motor housing in a spaced relationship to form at least one space therebetween; and

a brush holder having at least one tab [that] directly engaging the opposing ends of the magnets [fits] within [said] at least one space [in between the pair of magnets].

Claims 8-20 are new